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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

KENYA BROWN,

Defendant.

No. CR 11-00608-001 CW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SENTENCE
REDUCTION UNDER U.S.S.G. § 1B1.1(b)
AND AMENDMENT 782**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting
through their respective counsel, that:

1. Defendant is making an unopposed motion for modification of her sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:
Total Offense Level: 25
Criminal History Category: II
Guideline Range: 63 to 78 months

1 Mandatory Minimum: 60 months

2 3. Defendant was sentenced to 71 months imprisonment on December 7, 2011.

3 4. According to the Bureau of Prisons, Defendant's current projected release date is
4 November 26, 2016.

5 5. Effective November 1, 2014, this Court may order a modification in defendant's sentence
6 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 782, to the
7 United States Sentencing Guidelines Manual.

8 6. Defendant's revised guideline calculation is as follows:

9
10 Total Offense Level: 23

11 Criminal History Category: II

12 Guideline Range: 60 to 63 months

13 Mandatory Minimum: 60 months

14 7. The parties have no reason to dispute the Sentence Reduction Investigation Report
15 submitted to the Court by the Probation Office.

16 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
17 reducing Defendant's term of custody to "60 months, but not less than the time of
18 imprisonment that the Defendant has served as of November 1, 2015."

19 9. The parties further stipulate that the Court may include in its amended judgment a
20 recommendation to the Bureau of Prisons that the Defendant be transferred to a halfway
21 house at the appropriate time before her release on November 1, 2015.

22 10. The parties further stipulate that all other aspects of the original judgment order including
23 the length of term of supervised release, all conditions of supervision, fines, restitution,
24 and special assessment remain as previously imposed.

25 11. The parties further stipulate that the Court's Order will take effect on November 1, 2015.
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12. Defendant stipulates that she waives and does not request a hearing pursuant to Fed. R. Crim. P. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220 (2005).

13. Defendant waives her right to appeal the district court's sentence.

14. Accordingly, the parties agree that an amended judgment in accordance with this stipulation may be entered by the Court in pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(b)(1), Amendment 782 of the Sentencing Guidelines Manual. A Sentencing Reduction Investigation Report and a proposed amended judgment will be submitted to the Court.

IT IS SO STIPULATED.

February 5, 2015

/s/

DATED

MELINDA L. HAAG
United States Attorney
J. DOUGLAS WILSON
Assistant United States Attorney

February 5, 2015

/s/

DATED

STEVEN G. KALAR
Federal Public Defender
GABRIELA BISCHOF
Assistant Federal Public Defender

IT IS SO ORDERED.

2/9/2015

DATED


CLAUDIA WILKEN
United States District Judge